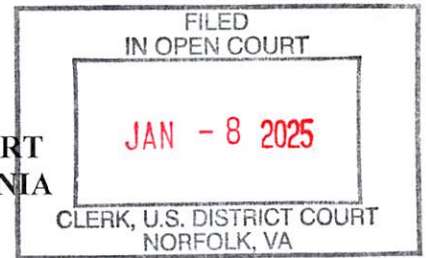


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA

v.

MARK MALEVICH,

Defendant.

)
) Criminal No. 2:25-cr-2

)
) 18 U.S.C. § 2252(a)(2)

) Receipt of Images of Minors Engaging
) in Sexually Explicit Conduct
) (Count 1)

)
) 18 U.S.C. § 2252(a)(2)

) Receipt of Images of Minors Engaging in
) Sexually Explicit Conduct
) (Count 2)

)
) 18 U.S.C. § 2252(a)(4)

) Possession of Images of Minors Engaging
) in Sexually Explicit Conduct
) (Count 3)

)
) 18 U.S.C. § 2253

) Criminal Forfeiture
)

INDICTMENT

January 2025 Term -- At Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

1. On or about October 26, 2012, defendant MARK MALEVICH was convicted and sentenced in the United States District Court for the Eastern District of Virginia (Norfolk Division) for one count of Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4). *United States v. Malevich*, 2:12cr77 (E.D.Va. 2012).

2. This conviction is a prior conviction under Chapter 110 of Title 18 of the United States Code. 18 U.S.C. § 2252(b).

COUNT ONE

(Receipt of Images of Minors Engaging in Sexually Explicit Conduct)

On or about April 21, 2024, within the Eastern District of Virginia and elsewhere, the defendant MARK MALEVICH, did knowingly receive a visual depiction using a means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor victim engaging in sexually explicit conduct and such visual depiction was of such conduct. To wit, MALEVICH received an image of a prepubescent female, approximately four to six years in age, performing oral sex on an adult male.

(In violation of Title 18, United States Code, Section 2252(a)(2).)

COUNT TWO

(Receipt of Images of Minors Engaging in Sexually Explicit Conduct)

On or about September 17, 2024, within the Eastern District of Virginia and elsewhere, the defendant MARK MALEVICH, did knowingly receive a visual depiction using a means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor victim engaging in sexually explicit conduct and such visual depiction was of such conduct. To wit, MALEVICH received an image of a prepubescent female, approximately two to four years in age, engaging in oral sex with a prepubescent female, approximately six to age years in age.

(In violation of Title 18, United States Code, Section 2252(a)(2).)

COUNT THREE

(Possession of Images of Minors Engaging in Sexually Explicit Conduct)

On or about September 27, 2024, within the Eastern District of Virginia, the defendant MARK MALEVICH, did knowingly possess a Motorola Moto G, which was manufactured outside of the Commonwealth of Virginia, containing one or more visual depictions that had been shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and which visual depictions were produced using materials which had been mailed and so shipped and transported, by any means, including by computer; and the production of such visual depictions involved the use of minor victims engaging in sexually explicit conduct and the visual depictions were of such conduct and at least one visual depiction involved in the offense involved a prepubescent minor and a minor who had not attained 12 years of age.

(In violation of Title 18, United States Code, Section 2252(a)(4).)

FORFEITURE

THE GRAND JURY FURTHER FINDS PROBABLE CAUSE THAT:

1. The defendant, if convicted of either of the violations alleged in this Indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2:
 - a. Any visual depiction described in section 2251 et seq. of Chapter 110 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of the same Chapter;
 - b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the violation;
 - c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the violation or any property traceable to such property.
2. If any property that is subject to forfeiture above is not available, it is the intention of the United States to seek an order forfeiting substitute assets pursuant to Title 21, United States Code, Section 853(p) and Federal Rule of Criminal Procedure 32.2(e.)

(In accordance with Title 18, United States Code, Section 2253.)

REDACTED COPY

United States of America v. MARK MALEVICH
Criminal No. 2:25-cr-2

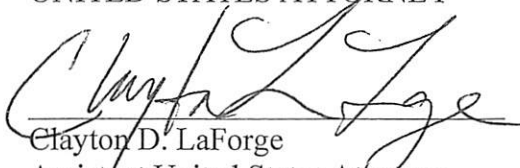
A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON

JESSICA D. ABER
UNITED STATES ATTORNEY

By:



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